
TAUNTON PLANNING BOARD MINUTES
Meeting held at 15 Summer Street

DATE: August 5, 2021

BOARD MEMBERS: Anthony Abreau, Chairman Arthur Lopes
 Bob Campbell, Vice Chairman John Reardon
 Manuel Spencer, Clerk Dennis I. Ackerman
 Brian Carr

ADVISORS:
 Michael Patneaude, City Engineer
 Kevin Scanlon, City Planner

Roll Call: Reardon, Campbell, Spencer, Lopes and Abreau present.
Meeting opens at 5:34 PM. **Ackerman present at 5:38 PM**

Motion made and seconded to accept of minutes 6-3-21 and 7-1-21. All in favor.

Cont'd. Public Hearing – 19 Ingell St. - A Special Permit from Section 440 Attachment # 1 of the Zoning Ordinance for the division of lot into two lots with a Special Permit for a triplex on each lot (total 6 units)

Request from Michael Binda requesting a continuance to next month.
Bob made motion to grant continuance, seconded by John. All in favor.
Continued to September 2, 2021 meeting

Public Hearing - lot 7 Round St. – 41-92 - A Special Permit from Section 440-Attachment #2 of the Zoning Ordinance for a 749 sq. ft. accessory dwelling unit in a Rural Residential District on Round Street, lot 7, property I.D. 41-92 - submitted by Hawthorne Dev. Inc.

Hearing opens at 5:38 PM Roll call: Lopes, Spencer, Campbell, Reardon, Abreau and Ackerman
Dept. comments were read into the record from: City Engineer, Water Dept., B.O.H., Conservation Commission, TMLP Veolia Water, City Planner, and Historic District Commission.
John Garanito was invited into the enclosure. He has a lot pre-sold and the owner wants to construct an accessory dwelling unit for his parents to reside. The accessory dwelling unit will be located behind garage so it won't even be noticeable. Dennis asked if the owner is here and John answer yes. Dennis stated he talked to him earlier and he states he's assistant principal and his wife is a math teach and they live in Middleboro now and they want to re-locate to Taunton. They want to have his mom live with them to be close and she will be there for their children. Dennis asked if he was aware the approval must be renewed every 5 years and he answered he was aware of that. John asked how many bedrooms in accessory and John answered 1 bedroom. Public Input: no one in favor or against.
Dennis made motion to approve the Special Permit with dept. comments, seconded by Bob. All in favor

1. City Water is available for the proposed 1" domestic from the existing 12" city water main on Round Street.
2. DPW specifications apply including: water services, gate valves, and curb stops.
3. DPW permits are required including: City licensed contractor, road opening and or trench.
4. DPW specifications apply including: Pressure Testing, hydrant flow test, materials, installation, new water meter with an updated radio frequency unit, inspection, and approval.
5. DPW specifications apply including: Any backflow devices must be inspected by the Plumber Inspector or City Inspector.
6. Prior notice is required before any city water work is to be performed, and inspections will be required before backfilling.
7. City reserves the right to change these terms and conditions at any time.
8. TMLP reserves the right to comments on this project since the plan has no electrical one lines, metering layouts or load information.
9. The plan is missing a North arrow.
10. The dimensions on the porches, deck, stairs need to be added to the plan.
11. Setbacks from the above items should be shown.
12. The slab elevation is on .07' above the Water Table. Increased separation should be considered.
13. The proposed dwelling must comply with the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II. An approved septic plan must be issued by the Board of Health prior to construction.

Hearing closed at 5:43 PM

Vote:	In Favor
Anthony Abreau, Chair	YES
Dennis Ackerman	YES
Robert Campbell	YES
Arthur Lopes	YES
John Reardon	YES
Manny Spencer, Jr.	YES
Brian Carr	ABSENT

Public Hearing – 1358 Cohannet St. - A Special Permit from Section 440-201 to access a third existing lot via an existing common driveway, submitted by Robert & Cheryl Campbell.

Roll call: Reardon, Abreau, Spencer, Lopes, Ackerman. Campbell excused. Hearing opens at 5:43 PM. Dept. comments were read into the record from City Eng., Water Dept, .B.O.H. Veolia Water, Conservation Commission, City Planner, TMLP, and Historic District Commission. Bob Campbell read is letter into the record indicated he consulted with the law dept. and stated he must excuse himself from participating on the matter as a planning Board member but can represent himself in his own petition but will limit it to answering any questions the Board may have. The common driveway serves houses 1358 and 1364 since 1995. The purpose of this petition is to allow the driveway to also serve Lot B created by BA 3396 and form J approved in 12-28-17. The lot has been approved for a single family home. The Form J plans included an Access Easement having a minimum width of 20 feet and also included a 12 foot by 20 foot turnaround area. The 20 foot wide minimum easement is not paved full width but has stable shoulders and is suitable for 2 vehicles to pass with clearance and has been used for 2 years. The intention was to have one of his daughter live in new house on Lot B but that has changed and they will be selling lot. There has always been a number of people using the driveway because his daughters lived with him. There will be no changes just formalize

the easement. Manny asked if it accesses 2 lots now and this is for a 3rd lot to use it and Bob answers yes.

Public Input: No one in favor or opposed.

Dennis made motion to approve the Special Permit with dept. comments, seconded by Manny. All in favor.

Condition #1) City Water is available from the existing 12" city water main on Cohannet Street

Condition #2) Plans are required and need to be submitted to DPW for water services, gate valves, fire hydrants and curb stops.

Condition #3) DPW Permits are required including, City licensed contractor, road opening and or trench.

Condition #4) DPW specifications apply including: pressure testing, hydrant flow test, materials, installation, new water meter with an updated radio frequency unit, inspection and approval.

Condition #5) DPW Specifications apply including: any backflow devices must be inspected by the Plumber Inspector or City Inspector.

Condition #6) Prior notice is required before any city water work is to be performed and inspections will be required before backfilling.

Condition #7) City reserves the right to change these terms and conditions at any time.

Conditions #8) The project is subject to City of Taunton Sanitary Sewer standards and specifications.

Condition #9) Provide recorded copies of the access easement prior to a building permit.

Vote: In Favor

Anthony Abreau, Chair YES

Dennis Ackerman YES

Arthur Lopes YES

John Reardon YES

Manny Spencer, Jr. YES

Brian Carr Absent

Robert Campbell Excused

Hearing closed at 5:51 PM

Public Hearing – Special Permit – Cohannet St. – 89-190 - for a two – family use submitted by Ferreira Development Group -

Hearing opens at 5:56 PM . Roll call: Spencer, Lopes, Campbell, Reardon, Ackerman, and Abreau.

Bob Campbell disclosed he's an abutter but has no financial interest in this and can vote on it.

Roy Delano, Lighthouse Land Surveying Co. and owner Steve Ferreira were invited into the enclosure. Dept. comments were read into the record from City Engineer, Water Dept., B.O.H., TMLP, Veolia Water, and City Planner.

Roy stated this property is located on the west end of Cohannet Street in close proximity of the Three Mile River and Rte. 44. Lot A & B were owned by the Hortons and they wish to now build on the new lot that was created by a variance and a Form J. The property is located in the Highway Business District which requires a SP for any residential use. The Hortons had some financial hardships and had to sell the property. Steve wishes to put build a duplex dwelling on the new lot. There are 3 other 2 family uses in the neighborhood. Steve builds a nice house and will fit better and make it marketable . It will be serviced by municipal water & sewer. Manny asked about the driveway and it was pointed out on the plans.

Steve said they have 2 spaces in garage with one on side. Public Input: no one in favor or opposed.

Manny made motion to approve the Special Permit with dept. comments. Seconded by Arthur.

1. The City of Taunton Sanitary Sewer standards and specification apply.
2. The proposed project is subject to the City of Taunton Sanitary Sewer Standard and specifications.
3. City Water is available from the proposed 8" city water main on Cohannet Street.

4. Plans are required and need to be submitted to DPW for water services, gate valves, fire hydrants, and curb stops.
5. DPW specifications apply including: Pressure Testing, hydrant flow test, materials, installation, new water meter with an updated radio frequency unit, inspection, and approval.
6. DPW specifications apply including: Any backflow devices must be inspected by the Plumber Inspector or City Inspector.
7. Prior notice is required before any city water work is to be performed, and inspections will be required before backfilling.
8. City reserves the right to change these terms and conditions at any time.
9. TMLP reserves the right to comments on this project since the plan has no electrical one lines, metering layouts or load information.
10. Fix the barscale on plan.
11. Remove the inner riparian zone label near river
12. Add top of foundation and basement slab elevations.
13. Determine estimated seasonal high water table.
14. If duplex has two separate owners, 2 separate sewer connections are required.

Vote:	In Favor
Anthony Abreau, Chair	YES
Dennis Ackerman	YES
Robert Campbell	YES
Arthur Lopes	YES
John Reardon	YES
Manny Spencer, Jr.	YES
Brian Carr	ABSENT

Hearing closed at 5:59 PM.

Arthur Lopes excused at 5:59 PM.

Public Hearing - A Modification of Definitive Subdivision – entitled “Dora Estates - to be located off Winthrop Street, known as Property I.D. 101-27 - to create 7 residential lots. Modification is the reduction of road pavement width from 30 feet wide to 22 feet wide, sidewalk has been moved to the east side of the proposed road and an island has been placed in center of the cul-de-sac, and other changes dealing with stormwater management system.

Roll call: Campbell, Abreau, Reardon, Ackerman, Spencer. Hearing opens at 6:00 PM. It was stated they need 4 in favor to pass. Atty. Brianna Correia is aware of that and wishes to go forward. Jeff Tallman, Northeast Engineers was also invited into the enclosure. Dept. comments were read into the record from Water Dept., B.O.H., Conservation Commission, TMLP, City Planner, and City Engineer.

Manny asked Atty. Correia if this street will remain private and she answered yes. Jeff stated they are here for a modification after some issues were brought up by Dighton relative to the water resource area. They have been working closely with Dighton and the Conservation Commission on this. This was the site that there was some blasting conducted and Dighton has concerns it was close to their wells. Jeff stated that none of the ground blasting caused any damage to the wells. They have an amended Order of Conditions with the Conservation Commission. Jeff said the modifications include reduction of roadway width from 30 feet to 22 feet wide, one 5 foot sidewalk (instead of 6 feet) of which the roadway will remain a private street. He has also submitted a draft homeowner’s association documents to be reviewed by the City. Jeff stated the lot and roadway layout is same they configured some easements. The main changes is the detention basin will

go into the culvert into the wetlands. They added an island in the middle of the cul-de-sac and the pavement width is 22 feet wide now. The final design of the drainage results in having the 2 rear lots having walkout basements. Manny asked about the proposed 5 foot sidewalk and Jeff answers yes the 5 foot sidewalk will be wrapped about the cul-de-sac. John doesn't like the reduction of the sidewalk from 6 feet wide to 5 feet wide. John asked about snow storage? Jeff stated they can put in on the island. John asked what is the diameter of the island and Jeff answers about 56' diameter. The sidewalk is handicapped accessible. John had concerns about a big pile of snow in the island. Jeff stated it would have to be a significant storm to have a big pile. Tony stated this will be a private street so they will need to maintain it and plow it. Dennis was at the conservation meeting and heard the concerns from Dighton and they asked for these compromises and they actually wanted a 4 foot wide sidewalk. Public input: no one in favor or opposed. Dennis made motion to approve the modification of Dora Estates with dept. comments, seconded by Bob.

WAIVERS:

- 1. To allow one 5 foot wide sidewalk instead of 6 foot wide sidewalks on both sides.**
- 2. To allow a roadway width of 22 feet instead of 30 feet wide.**

CONDITIONS:

- 1. The Subdivision will follow the outside consultant guidelines for inspections which shall also include coverage of the sewer and water extensions and all other work offsite completed in conjunction with this project. The initial escrow deposit for paying for inspections shall be \$7,000 and shall be replenished back to a \$4,000 balance anytime the balance dips below \$1,500. The Board has selected the next consultant due for appointment.**
- 2. The indicated access and utility easements must be recorded prior to issuance of any building permits.**
- 3. The applicant will be required to file a Notice of Intent for the roadway and for lots 4, 5, and 7 and possibly Requests for Determination of Applicability for Lots 1 and 6. The property is within Riverfront Area of the Segreganset River and the 100 foot Buffer Zone of a Bordering Vegetated Wetland. It also encompasses two potential vernal pools.**
- 4. The lots must be provided connections to municipal water and sewer facilities. All dwellings must meet or exceed the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II.**
- 5. A Fire flow test shall be performed to determine the size of the proposed City water main. An 8" or larger main is required.**
- 6. If the individual dwelling units of the proposed triplex buildings are to be owned separately, a separate water service line and sewer lateral will be required for each unit.**
- 7. DPW Permit requirements apply to the proposed City water main: City Licensed Contractor, Road Opening (MA DOT for State Route 44) and or Trench Permit.**
- 8. DPW Water Division specifications apply, including those for design, materials, installation, inspection, approval, and acceptance.**

9. The individual water service line(s) to any building on Lot 7 may have to be larger than 1" due to the length from the water main in the street to the home.
10. A Homeowner's Association shall be established and will be required to fund and execute the operation and maintenance of the drainage system and easements and all common infrastructure in accordance with plans established for each as this street will not be accepted as a public way.
11. It shall be noted in each deed conveying the lots created by this definitive subdivision and modification that the subdivision street shall never be petitioned for acceptance as a public way and that all future maintenance will be the responsibility of the Homeowners' Association.

Vote:	In Favor
Anthony Abreau, Chair	YES
Dennis Ackerman	YES
Robert Campbell	YES
Manny Spencer, Jr.	YES
John Reardon	NO
Arthur Lopes	Absent
Brian Carr	Absent

Cont'd. Public Meeting- Site Plan Review – 396 Winthrop St. - for a used car lot – submitted by John Barbour.

Jeff Tallman and John Barbour were invited into the enclosure. The board wanted the applicant here to answer questions about the type of business. John asked Mr. Barbour to give a brief presentation on what type of business he wants to do. John states he transports vehicles to different locations and also wants to do wholesale. When they approached city for wholesale license they were informed they need to get a class II license. He needs license to go to auction and buy vehicles from Manheim auction and various dealerships. He stated he could not park vehicle overnight. He is looking to have license to display 6 vehicles. Mr. Barbour apologized to the Board for having vehicles on the property before having approval. He stated if he had license he could store vehicle overnight and the option of selling them. No repairs on site just auditing the car for dealers and auction. Tony stated you have no license to store vehicle there. Mr. Barbour again apologized and stated he leases building with option to buy. John asked about advertising and potential overnight storage. John asked if the truck trailer would be dropping off vehicles? Mr. Barbour stated the trailer would come in once or twice a month just like they across the street. It would be no different than across the street and the delivery truck across the street for the convenience store. Bob state the only different is that those other locations have room on their property for the truck to pull in and unload vehicles. They want to make sure it's safe and if they unload on Winthrop Street it may cause backup. Manny asked how long he's been there and Mr. Barbour answered since October doing transportation. Mr. Barbour states he has a transportation plate issued to Barbour Enterprises. He stated he filed a business certificate with the City. The secretary informed Mr. Barbour that he filed a business certificate for office use ONLY. Manny drove by there and saw a vehicle parked where the landscaping should be. Mr. Barbour says that was his brother. Manny stated it was a sedan parked there. Manny pointed out the big difference about cars being unloaded is that those other locations have plenty of room on their property to unload vehicles. This property is very small and congested. Manny stated he didn't want it interfering with the traffic. They

could exit from Winthrop Street and they are keeping access from Cohannet Street. Manny asked what type of wholesale? Mr. Barbour in the past he has shipped overseas but the market in Lebanon and Africa is unknown and they will not be exporting there anymore. Manny is concerned with the number of vehicles on the property. He's a little bothered by the fact that he hasn't abided by the rules John stated the landscaping has been neglected since last October and you would think you would have made the place looks nice before coming here. Mr. Barbour stated he has kept up the site with the exception of a few months ago the grass cutting has been neglected. Manny suggested less vehicle and perhaps a time limit. There is room for 2 employees parking 2 customers and he wants to store 6 vehicles. Bob asked how many spaces are required for the office use and it was answered 3 spaces. The board discussed reducing the number of vehicles on site. It was suggested no landscaping no higher than 2-3 feet in height along corner of Cohannet Street. Tony suggests 8 total he thinks 10 is too much. Dennis made motion to grant with the dep.t conditions, seconded by Bob. All in favor.

Condition #1) That the plans dated March 29, 2021 shall govern with the following additional conditions;

Condition #2) A set of updated plans shall be submitted that conforms to all of the requirements of this decision before a building permit is issued. Two sets are required.

Condition #3) Lighting shall not illuminate any portion of abutting properties

Condition #4) The site shall be kept clean and clear of debris

Condition #5) Two set of as-builts shall be submitted upon completion of all work on site and shall include certification notes and stamps by a Design Engineer (PE) and Land Surveyor (PLS) stating that the development has been built according to the approved plans. Plans shall show at least all of the information shown on the proposed plans referenced in condition #1 above and all utility as-builts.

Condition #6) A maximum of six (6) spaces shall be allowed on the site. Three (3) spaces required for the office use and three (3) spaces for vehicle display.

Condition #7) Compliance with ZBA Case # 3616

Condition #8) The landscaping on the corner of Cohannet Street and Winthrop Street shall be no higher than 2 feet in height.

Public Meeting – Amendment to Site Plan Review - 660 -704 County Street (prop. I.D. 93-151) to allow a cross-connection with the existing Thomas Plaza and the future development of Burger King at 716 County St., submitted by Bruce Thomas, Mgr. SBK, LLC

Attorney Brianna Correia, and Eric Dubrule, Bohler Eng. was invited into the enclosure. Dept. comments were read into the record from DIRB, City Engineer, Conservation Commission, Water Dept., and the Historic District Commission. Atty. Correia stated they are here tonight for a cross connection from Thomas Plaza to the proposed Burger King. They don't need any further relief from the Conservation Commission. On June 3, 2021 the Board approved a site plan review for the adjacent property which for a new Burger King. Due to the loss of 4 parking spaces for the cross connection they needed to come for a modification. The maximum lot coverage is under 80%. Atty. Correia points out there is a safe travel from proposed Burger King to Thomas Plaza. They had one neighbor at the previous meeting for Burger King and they have enlarged the underground drainage system. Bob stated he likes to see good interconnection in commercial developments. Public Input: No one in favor or opposed.

Bob made motion to grant the modification of the Site Plan Review with the following conditions:

Condition #1) That the plans dated June 25, 2021 shall govern with the following additional conditions;

Condition #2) Lighting shall not illuminate any portion of abutting properties

Condition #3) The site shall be kept clean and clear of debris

Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc

Condition #5) Two sets of updated plans shall be provided that conforms to this decision prior to Building permit

Condition #6) That the conditions of the January 21, 2020 Site Plan Review approval shall remain in full force and effect except as specifically modified by this approval.

Condition #7) City Water is available from the existing 12" city water main on County Street.

Condition #8) Plans are required and need to be submitted to DPW for water services, gate valves, fire hydrants, and curb stops.

Condition #9) DPW specifications apply including: Pressure Testing, hydrant flow test, materials, installation, new water meter with an updated radio frequency unit, inspection, and approval.

Condition #10) DPW specifications apply including: Any backflow devices must be inspected by the Plumber Inspector or City Inspector.

Condition #11) Prior notice is required before any city water work is to be performed, and inspections will be required before backfilling.

Vote:	In Favor
Anthony Abreau, Chair	YES
Dennis Ackerman	YES
Robert Campbell	YES
John Reardon	YES
Manny Spencer, Jr.	YES
Brian Carr	Absent
Arthur Lopes	Absent

Public Meeting - Site Plan Review -569 & 571 Winthrop St. - for the demolishing of the existing office building and the construction of a new 9,367 sq. ft. two-story office building, relocation of existing loading docks, scales, retaining walls and stormwater controls, submitted by Recycle Realty LLC

Joe Tutsch, Owner, Atty. John Zajac and Joe Pichardo, Greenseal Eng. were invited into the enclosure. Department comments were read into the record from DIRB, City Engineer, Water Dept., Historic District Commission, TMLP, Veolia Water and Conservation Commission. The proposal is to re-locate the office building and re-align the properties. The DIRB meeting went smoothly. John asked if the office staff will be moving out and Joe T. answered yes they will be leaving 490 Winthrop Street and relocating here. Manny asked who is the tenant for 490 Winthrop Street and Joe T answers an engineering firm. Joe T stated this will improve traffic flow, all utilizes are onsite and the entrance will be on the west side. They will demo the old scale house and will be re-creating a new scale house. Public Input: no one in favor or opposed.

Bob made motion to approve the Site Plan Review with dept. comments:

Condition #1) That the plans dated May, 2021 and revised through July 12, 2021 shall govern with the following additional conditions;

Condition #2) Lighting shall not illuminate any portion of abutting properties

Condition #3) The site shall be kept clean and clear of debris

Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc

Condition #5) Two sets of updated plans shall be provided that conforms to this decision prior to Building permit

Condition #6) A plan shall be recorded combining 569 and 571 Winthrop Street into one parcel prior to building permit

Condition #7) In the two dead end parking aisles, one space shall be eliminated and cross hatched to allow for vehicles to turn around

Condition #8) DPW Permits will be required including City Licensed Contractor, Road Opening and Trench Permits for the proposed work

Condition #9) DPW water division specifications shall apply including design materials, installation, testing, inspection and final approval

Condition #10) Strict compliance with Order of Conditions SE 73-2927

Condition #11) The project will be subject to the City of Taunton Sanitary Sewer Standards and Specifications

Vote:	In Favor
Anthony Abreau, Chair	YES
Dennis Ackerman	YES
Robert Campbell	YES
John Reardon	YES
Manny Spencer, Jr.	YES
Arthur Lopes	Absent
Brian Carr	Absent

Ashleigh Estates & Steve Drive – Legal opinion from Law Dept. -

Letter from law dept. was read into the record. Steve Drive was developed before this board and Ashleigh Estates Phase I & II was approved more recently and the Board called surety but doesn't have any for Steve Drive. The Board asked the law dept. if we have any opportunity to go after the lots that are currently under covenant. Bob suggests using the money we have to complete what needs to be done for street acceptance. We do the work now before it gets worse.

He stated when someone comes before the Board for the release of those lots we have holding then they will request surety. Tony suggests fixing up sidewalks and when someone comes for the lots they will be required to post surety and the Board can include the improvements. Dennis asked about taking lot by eminent domain and the other board members didn't know about that process.

Manny made motion to have the City use the \$41,141.85 of surety and all interest accrued for Phase II and the \$98,845.58 of surety and all interest accrued for Phase II to complete the remaining work. All in favor.

It was indicated the DPW will be securing a paving contractor soon and it's the Board's hope to get the most critical work done with the money we have so the roads will be able to ready for street acceptance

Bella Rose Estates - Discussion on material testing results

John DeSousa, North County Group was invited into the enclosure. He gave update on sample testing on the materials that were used for roadway. They took 6 samples and he submitted results to the Board. He stated if we do 2 more samples we can have a representative from GPI and the sample will be collected by Lab. John asks the Board for a conditional approval and if the City Engineer is ok with it they can continue with construction. Dennis suggests approving it subject to the City Engineer's approval.

It was asked where they conducted the tests? John answers at 0+50, 6+0 and 2 more at the cul-de-sac.

Dennis made motion to have the City Engineer and the Outside Consultant from Greenman Pedersen witness the material testing and someone from the laboratory come to the site and pick up the samples directly. The Board voted to allow the City Engineer to determine the number of samples required. The Board voted after satisfactory results to allow you to continue working on the roadway. Seconded by John. All in favor.

295 Broadway – letter from Atty. Patrick Sullivan - questions regarding approval

Requesting a continuance to next month.

Motion made and seconded to grant continue to September 2nd meeting. All in favor.

Meeting adjourned at 7:34 PM.